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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/931,828	08/17/2001	Leon Yulkowski	YUL 0105 PUS	4536

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EXAMINER

CANFIELD, ROBERT

ART UNIT PAPER NUMBER

3635

DATE MAILED: 03/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/931,828

Applicant(s)

YULKOWSKI, LEON

Examiner

Robert J. Canfield

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,8-16 and 18-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6,8-16 and 18-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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1. Applicant's request for reconsideration of the last Office action is persuasive and, therefore, the finality of that action is withdrawn. Claims 1-6, 8-16 and 18-28 remain pending. Claims 7 and 17 have been canceled.

2. Claims 4, 5 and 25 are objected to because of the following informalities: in claims 4 and 5 "said spacer is" should read - - said spacers are - - and in claim 25 "said spacer" should read - - said spacers - -. Appropriate correction is required.

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claim 11 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 4,489,121 to Luckanuck.

Luckanuck provides rails 6, stiles 4, fiber strengthened composite fire resistant sheets 2 and 3 and first and second skins 7.

5. Claims 1-6, 9-14, 19-21 and 23-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 1,048,923 to Wheeler in view of U.S. Patent 6,001,496 to O'Haver-Smith.

Wheeler provides a door comprised of rails and stiles 18 having a plurality of spacers 3 there between. First and second fire resistant insulating sheets 5 are

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adhered to opposite side of the spacers 3 and first and second outer skins 16 are coupled to the sheets 5 and some of the spacers 3.

Wheeler fails to provide that the fire resistant material 5 is a fiber-strengthened composite, more particularly a gypsum based material having a fibrous mat there around.

O'Haver-Smith teaches that at the time of the invention a fiber strengthened gypsum based material having a fibrous mat there around was a known material for use in door cores (last line abstract).

It would have been obvious at the time of the invention to one having ordinary skill in the art that the mat-faced gypsum board of O'Haver-Smith having fire resistant properties (column 5, line 35) could have been used as the fire-resistant material 5 of Wheeler to take advantage of the inherent material properties of the material. The motivation provided within the abstract of O'Haver-Smith.

Wheeler states at line 52 that other suitable material may be used for the strips 3 which would suggest steel to one having ordinary skill in the art as steel is a well known material that is analogous to wood for studs or furring like strips. Steel would have further been an obvious material choice for its inherent fire resistant properties.

6. Claims 1-6, 8-14, and 18-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 4,282,687 to Teleskivi in view of U.S. Patent 6,001,496 to O'Haver-Smith.

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Teleskivi provides a door comprised of rails and stiles 24 having a plurality of spacers 10a there between. First and second fiber strengthened insulating sheets 20, 20' attached to opposite side of the spacers 10a and first and second outer skins 26 are coupled to the sheets 20, 20'. Material 22 fills voids between sheets 20 and 20'.

Telskivi fails to provide that the material of sheets 20 and 20' is a fiber-strengthened composite, more particularly a gypsum based material having a fibrous mat there around.

O'Haver-Smith teaches that at the time of the invention a fiber strengthened gypsum based material having a fibrous mat there around was a known material for use in door cores (last line abstract).

It would have been obvious at the time of the invention to one having ordinary skill in the art that the mat-faced gypsum board of O'Haver-Smith having fire resistant properties (column 5, line 35) could have been used as the material 20 and 20' Teleskivi to take advantage of the inherent material properties of the material. The motivation provided within the abstract of O'Haver-Smith.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

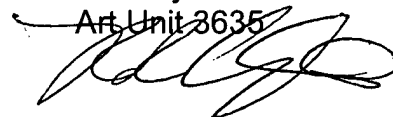
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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert J. Canfield whose telephone number is 571-272-6840. The examiner can normally be reached on M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on 571-272-6842. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Robert J Canfield
Primary Examiner
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02/16/06